

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 23 FEBRUARY
2016**

Present:

Councillor Hutton (in the Chair)

Councillors

Mitchell	Robertson BEM	L Taylor
Owen	Singleton	

In Attendance:

Sharon Davies, Head of Licensing Service
Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interests on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 19 JANUARY 2016

Resolved: That the minutes of the meeting held on 19th January 2016 be signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda items 3 and 4 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act

4 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of three existing Hackney Carriage drivers, one existing Private Hire vehicle driver and one new Private Hire and Hackney Carriage licence applicant that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application and referrals as follows:

- (i)GCC – New Private Hire and Hackney Carriage applicant

Mr Ratcliffe, Licensing Officer, who was in attendance during consideration of the case presented it on behalf of the Authority. Mr Andrews, Licensing Officer, was also in attendance as an observer.

GCC was in attendance and provided representations to the Sub-Committee.

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Mr Ratcliffe described the driver's previous conviction and added that he had failed to disclose the conviction during the application to be licensed.

The driver informed the Sub-Committee that he had not declared the conviction because he claimed that an earlier Disclosure and Barring Service check completed as part of a separate job application had been returned with no cautions or convictions listed.

Members expressed concern that the conviction had not been declared but acknowledged that a number of years had elapsed since the offence.

Resolved:

1. To not prosecute the driver for non-disclosure of convictions during the application to be licensed.
2. That the licence be granted with the addition of a warning letter in relation to future conduct indicating that in the event of a further incident, the licence would be revoked or suspended.

(ii) JM – Existing Hackney Carriage driver

Mr Ratcliffe presented the case on behalf of the Authority.

JM was in attendance and provided representations to the Sub-Committee.

Mr Ratcliffe advised that JM had driven a vehicle that had been identified as having a number of serious defects. The Vehicle and Operator Services Agency (VOSA) had subsequently issued a PG9 Prohibition notice to remove the vehicle from the road in the interests of public safety.

The driver explained that in his opinion, the defects had not been easily identifiable in regular checks he claimed to have carried out on the vehicle.

Members reasoned that some of the vehicle defects may only have been picked up by specialist equipment and may not have been obvious upon casual inspection by the driver. However, it was noted that the driver had previously appeared before the Sub-Committee under similar circumstances and therefore he should have been able to recognise at least some of the identified defects.

Resolved:

That the driver be issued with a warning letter in relation to future conduct indicating that in the event of a further incident, the licence would be revoked or suspended.

(iii) PUC – Existing Hackney Carriage driver

Mr Ratcliffe presented the case on behalf of the Authority.

PUC was in attendance and provided representations to the Sub-Committee.

Mr Ratcliffe advised that PUC had driven a vehicle that had been identified as having a number of serious defects. The Vehicle and Operator Services Agency (VOSA) subsequently issued a PG9 Prohibition notice to remove the vehicle from the road in the

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interests of public safety.

The driver advised that he had carried out regular visual inspections of the vehicle and that in his opinion, it had not been in an unroadworthy condition. He added that whenever he discovered issues with vehicles in his charge, he reported them immediately to the vehicle licence holder.

The Sub-Committee discussed the case and expressed concern at the apparent lack of responsibility demonstrated by the driver in relation to the vehicle's condition and a lack of basic mechanical knowledge on his part. However, it was also noted that many of the defects had been difficult to see upon a casual inspection and the driver had given no previous cause for concern.

Resolved:

That the driver be issued with a warning letter in relation to future conduct indicating that in the event of a further incident, the licence would be revoked or suspended.

(iv) MAJ – Existing Hackney Carriage driver

Mr Ratcliffe presented the case on behalf of the Authority.

MAJ was in attendance and provided representations to the Sub-Committee.

Mr Ratcliffe advised that MAJ had driven a vehicle that had been identified as having a number of serious defects. The Vehicle and Operator Services Agency (VOSA) subsequently issued a PG9 Prohibition notice to remove the vehicle from the road in the interests of public safety.

MAJ admitted that some of the defects identified by VOSA should have been rectified and he had no excuse for the vehicles condition at the time it was inspected.

Members expressed concerns about the nature of some of the vehicle defects that they reasoned an average person with no mechanical knowledge would have been able to identify. Despite previously giving no cause for concern, the Sub-Committee believed that the serious degradation of some of the vehicle's key components and a lack of basic maintenance knowledge meant that the driver's conduct had fallen significantly short of the standards expected of a licensed driver.

Resolved:

That the Hackney Carriage vehicle driver's licence be suspended for a period of six weeks on the grounds that the drivers conduct had fallen short of expected standards, to allow time for reflection and encourage future compliance.

(v) MK – Existing Private Hire Vehicle Driver

The Chairman agreed to hear the case which had been added as a supplementary item for urgent consideration. The Chairman indicated that he had decided to hear the case because of the seriousness of the offence and the fact that the incident had taken place after the initial agenda had been despatched.

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Mr Ratcliffe presented the case on behalf of the Authority.

MK was in attendance and provided representations to the Sub-Committee.

Mr Ratcliffe explained that the driver had been charged with a serious motoring offence whilst driving a private vehicle and not in his capacity as a Private Hire vehicle driver. Additional information from the Police Officer, who arrested the driver at the scene of the offence, was presented to the Sub-Committee.

MK advised that he had had a number of recent family tragedies to contend with and this had caused him to make some poor decisions at the time of the incident.

The Sub-Committee reasoned that there had indeed been difficult personal circumstances surrounding the incident. However, Members were concerned about the choices the driver made and the fact that his behaviour could present a danger to the public.

Resolved:

That the Private Hire Vehicle Drivers Licence be revoked with immediate effect in the interests of public safety and given that the driver's conduct was dangerous and therefore significantly below the standards expected of a licensed driver.

Background papers: exempt

5 HACKNEY CARRIAGE VEHICLE LICENCES

The Sub-Committee was informed of three existing Hackney Carriage vehicle licence holders that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed referrals as follows:

(i) JN – Existing Hackney Carriage Vehicle Licence Holder

Mr Ratcliffe, Licensing Officer presented the case on behalf of the Authority.

JN was in attendance and provided representations to the Sub-Committee.

Mr Ratcliffe advised that JN had been the operator of a vehicle that had been identified as having a number of serious defects. The Vehicle and Operator Services Agency (VOSA) subsequently requested that service documentation for the vehicle be produced and issued a PG9 Prohibition notice to remove the vehicle from the road in the interests of public safety.

JN advised that he had been unaware of the vehicle's defects and in his opinion, many of them would have been difficult to discover without specialist equipment. He added that the vehicle had been checked during regular interim services as per the conditions imposed on the licence and any faults identified had been immediately repaired.

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The Sub-Committee expressed concern at the fact that regular servicing had failed to establish any of the mechanical defects listed in the report. In addition, the operator had taken a minimalist approach to maintenance and not taken any responsibility for the vehicles poor condition. However, Members noted that the operator had produced some service documentation to support his claims about regular maintenance.

Resolved:

1. That the vehicle licence be suspended for a period of 14 days on the grounds that the operators conduct had fallen short of expected standards and to allow time for reflection and encourage future compliance.
2. That the conditions on the licence be amended to include a requirement for additional regular testing of the vehicle's brakes and emissions and for all future service documentation to include details of the individual vehicle's registration and mileage.

(ii) SJN – Existing Hackney Carriage vehicle licence holder

Mr Ratcliffe, Licensing Officer presented the case on behalf of the Authority.

SJN was in attendance and provided representations to the Sub-Committee.

Mr Ratcliffe advised that SJN had been the operator of a vehicle that had been identified as having a number of serious defects. The Vehicle and Operator Services Agency (VOSA) subsequently requested that service documentation for the vehicle be produced and issued a PG9 Prohibition notice to remove the vehicle from the road in the interests of public safety.

Mr Ratcliffe advised that in his opinion, the operator had failed in his responsibility to maintain a vehicle in his charge and allowed its condition to deteriorate. He added that some of the faults that VOSA technicians had identified presented a significant risk to public safety.

SJN explained that in his opinion, he had a comprehensive service schedule in place for the vehicle and produced a number of documents for Members to consider detailing works carried out on the vehicle. He added that many of the defects had required specialist equipment to identify.

The Sub-Committee expressed concerns with the standard of the vehicle at the time it was taken out of service. Also noted was the operator's previous appearance before the Sub-Committee under similar circumstances and Members questioned the effectiveness of regular inspections SJN claimed to have had carried out on the vehicle. However, it was agreed that many of the defects had been suitably explained and the operator seemed to have a good mechanical knowledge.

Resolved:

1. That the licence holder be issued with a warning letter in relation to future conduct indicating that in the event of a further incident, the licence would be revoked or suspended.
2. That the conditions on the licence be amended to include a requirement that all

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future service documentation should include details of the individual vehicle's registration and mileage.

(iii) PD – Existing Hackney Carriage vehicle licence holder

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

PD was in attendance and provided representations to the Sub-Committee.

Mr Ratcliffe advised that PD had been the operator of a vehicle that had been identified as having a number of serious defects. The Vehicle and Operator Services Agency (VOSA) subsequently requested that service documentation for the vehicle be produced and issued a PG9 Prohibition notice to remove the vehicle from the road in the interests of public safety.

Mr Ratcliffe described a number of defects on the vehicle, many of which should in his opinion, have been identified by a responsible operator.

PD explained that generally she had little contact with the driver of the vehicle and often had difficulty in arranging a mutually convenient time to inspect the vehicle. She added that in her opinion, she had been let down by the driver who had abused her trust.

Members expressed concern about the lack of communication between the vehicle operator and driver and the fact that neither seemed ready to accept responsibility in relation to the vehicles poor condition. Furthermore, the operator had entrusted regular inspection of the vehicle to the driver. However, the operator expressed regret at the vehicles condition and reported that as soon as she had been made aware of the faults they were immediately rectified.

Resolved:

1. That the vehicle licence be suspended for a period of six weeks on the grounds that the operators conduct had fallen short of expected standards to allow time for reflection and encourage future compliance.
2. That the various conditions as outlined in the report and listed below be imposed on the licence with the additional requirement that in future, all service documents should contain both the vehicle registration and mileage information.

The Conditions to be imposed on the licence were listed as:

- The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis
- The licence holder is to implement a vehicle safety inspection regime to be undertaken at a minimum of every two months by a qualified motor engineer. Such records to be kept for 2 years.
- Records of all servicing to be retained for 2 years.
- All service/inspection records must be legible
- All records to be produced to enforcement or police officers within 24 hours of the demand being made.
- The licence holder must implement a procedure to ensure that drivers do a

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visual inspection of the licensed vehicle each time that they take charge of that vehicle and report any faults with it to the licence holder.

Background papers: exempt

6 DATE OF NEXT MEETING

Members noted that the date of the next meeting would be Tuesday 29th March 2016.

Chairman

(The meeting ended at 8.50 pm)

Any queries regarding these minutes, please contact:
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